

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ANTHONY DEAN DAVIS,)	8:07CV39
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
T.D. GENSLER, M.D., et al.,)	
)	
Defendants.)	

This matter is before the court on the defendants' motions to dismiss (filings 19, 24), filed pursuant to Fed. R. Civ. P. 12(b)(6). Even though the plaintiff has failed to respond, I conclude that the motions to dismiss should be denied. The issues raised by the defendants, particularly the issue of whether the plaintiff exhausted available administrative remedies, are better resolved on motions for summary judgment.

Accordingly,

IT IS ORDERED that:

1. Defendants' motions to dismiss (filings 19, 24) are denied.
2. The Clerk of the court is directed to set a pro se case management deadline using the following text: "December 18, 2007: defendants' answer date."

December 4, 2007.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge